

REMARKS/ARGUMENTS

Reconsideration and withdrawal of all outstanding grounds of objection and/or rejection are respectfully requested in light of the above amendments and the remarks that follow.

The Examiner has rejected claims 1-41 under 35 U.S.C. 112, second paragraph as indefinite. The Examiner contends that the interior "portions" as recited in claims 1, 16 and 34 do not have "directions" but rather width, height and length dimensions. In addition, and with respect to claims 34 and 40, the Examiner contends that the phrases "an ambient first air portion" and "an ambient second air portion" are misleading in that ambient air cannot by definition be divided into portions.

Applicant has amended independent claims 1, 16 and 34 and additional claims now rewritten in independent form to clarify that the shipping container defines a first interior portion extending in a first direction toward one end of the container and a second interior portion extending in a second direction opposite to the first direction toward an opposite end of the container. With this change, it is believed that the potential indefiniteness identified by the Examiner has been resolved.

With respect to the first and second ambient air portions, applicant respectfully traverses the Examiner's position. As ambient air is drawn into the container, it is directed in accordance with the structure of the inlet. As noted on page 8 of the specification, the ambient air provided by the first air circuit 230 serves a number of purposes including cooling the generator 220, providing air to the motor 210 for

combustion, and providing general ventilation to the motor compartment 205. Clearly, the ambient air drawn into the container can in fact be divided into various portions for performing various functions, and it is believed that the claims are in full compliance with 35 U.S.C. 112, second paragraph in this respect. The same is true, of course, with respect to the ambient air drawn into the radiator compartment 215 as part of the second air circuit 240 as explained in the paragraph bridging pages 8 and 9 of the specification.

It is also noted that this language appears in many of the application claims, in addition to claims 34 and 40 singled out by the Examiner. In any event, and for the reasons presented above, it is respectfully submitted that the language does not run afoul of any provision of 35 U.S.C. 112.

The Examiner has rejected claims 1-4, 16, 17, 20, 23, 29-35, 40 and 41 under 35 U.S.C. 103 as unpatentable over Bernard (U.S. 6,450,133).

In applying the reference teaching to the claimed subject matter, the Examiner asserts that there are first and second air outlets on either side of the first and second fans 46, 48 in Bernard. A close inspection of Bernard reveals that this is not the case. In fact, there is a single outlet 70 above the fans 46, 48, as explained in column 4 of that reference. In any event, applicant has amended independent claim 1 to require that the first air circuit include a first fan in the first interior portion and that the second air circuit include at least a second fan in a second interior portion of the container. As noted above, and as apparently acknowledged by the Examiner, the Bernard reference discloses a pair of back-to-back fans 46, 48 in an intermediate compartment 34 located between the

motor compartment 32 and the radiator compartment 36. As a result, Bernard neither discloses nor suggests the subject matter of independent claim 1 or any of dependent claims 2-4, 8, 11 and 12 that depend therefrom.

Regarding independent claim 16, that claim requires that the first air circuit include a first air outlet positioned on the container to discharge at least a fraction of the first air portion away from the container, and that the second air circuit include a second outlet positioned on the container to discharge at least a fraction of the second air portion away from the container. As noted above, air circulating through the motor chamber 32 and radiator chamber 36 of Bernard is exhausted through the common outlet 70 in the intermediate chamber 34. Accordingly, Bernard fails to disclose or suggest the subject matter of independent claim 16 or any of dependent claims 17-33 that depend therefrom.

Independent claim 34 likewise requires first and second air outlets for discharging at least fractions of the respective first and second air portions. Here again, Bernard fails to disclose or suggest this arrangement, and thus, independent claim 34 as well as dependent claims 35-39 are not rendered obvious by Bernard.

Independent claim 40 has been amended to incorporate substantially the limitations of dependent claim 41 so as to require discharging at least a fraction of the first air portion away from the container through a first outlet in the first interior portion and discharging at least a fraction of the second air portion away from the container through a second outlet portion in the second interior portion. Absent any such arrangement in Bernard, where the air from both motor chamber 32 and radiator chamber

CAMPION
Appl. No. 10/001,908
June 10, 2004

36 are discharged through a common outlet 70 in an intermediate chamber, claim 40 is clearly patentable over Bernard.


Applicant gratefully acknowledges the Examiner's indication that claims 5-15, 18, 19, 21-28 and 36-39 contain allowable subject matter and would be allowed if rewritten to overcome the Section 112 ground of rejection.

By this amendment, claims 5-7, 9, 13, 14 and 15 have been rewritten in independent form so as to place claims 5-7 and 9-15 in condition for immediate allowance.

Since all of the remaining claims 1-40 are now in condition for immediate allowance, early passage to issue is requested. In the event, however, any small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Michael J. Keenan
Reg. No. 32,106

MJK:ljb
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100